

SAN JOAQUIN VALLEY DRAINAGE AUTHORITY

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May 19, 2006

Ms. Wendy Cohen
Policy and Planning Unit
Irrigated Lands Conditional Waiver Program
Regional Water Quality Control Board – Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

wcohen@waterboards.ca.gov

**RE: COMMENTS ON TENTATIVE CONDITIONAL WAIVERS OF WASTE DISCHARGE
REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS – PROPOSED
ORDERS**

Dear Ms. Cohen:

Throughout the Central Valley Regional Water Quality Control Board's (Regional Board) process of considering an extension of the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Conditional Waiver) the Westside San Joaquin River Watershed Coalition (Westside Coalition) has been advocating for a new Conditional Waiver that will allow our coalition to continue our momentum in addressing agriculturally related water quality issues in our area. In November 2005, the Regional Board extended the existing waiver for six months and asked parties interested in the program to utilize that time to meet with staff to attempt to resolve the outstanding issues. Fortunately, many stakeholders embraced that request and the group was able to develop a document that will allow coalitions and farmers to continue their water quality control efforts. The proposed Conditional Waiver contains heavy burdens for agriculture and for Coalitions. The Westside Coalition, like other Coalitions commenting on the proposal, would have preferred different language and greater flexibility on several points. Nonetheless, the process you requested has resulted in an extension that will allow us to proceed.

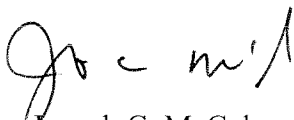
The Westside Coalition greatly appreciates the leadership of the Regional Board in establishing the Policy Working Group process. Many diverse parties participated in the meetings. We spent countless hours ironing out our differences in formal facilitated meetings, smaller sub-committee meetings, and group conference calls. Everyone involved committed themselves to a process that at the outset seemed doomed to fail.

Surprisingly, we began to make progress. Everyone made concessions and our small successes evolved into major breakthroughs. In the end, we continue to have reservations about many aspects of the Tentative Order released on April 19th but we are willing to accept it as a reasonable accommodation of varied interests. We commend the facilitator, Regional Board staff, and all parties participating in the Working Group (including agency representative, agricultural commissioners, urban water users, agricultural leaders, and coalition groups) for their part in helping develop a workable document.

Although the Policy Working Group included a wide range of participants with varied interests, one invited group chose not to participate. Except for a cameo appearance at the beginning of the first meeting, the environmental community did not participate in the Policy Working Group. It is unfortunate that they were not willing to make the commitment to engage in this process. It is an odd decision given their strong opinions regarding the Conditional Waiver program. Tactically, they may be hoping to negotiate from the Working Group consensus proposal. It would be patently unfair to incorporate comments from the environmental community that take the consensus document as a starting point and tweak the language toward their own vision. The Tentative Order is a compromise from the agricultural interests' original position. Parties should not be rewarded for their lack of participation. If the environmental lobbyists were truly interested in developing a practical program they should have engaged in the process as requested by the Regional Board in November 2005.

The Westside Coalition is hopeful that we can resolve the debate over the waiver extension documents so that we can focus our attention on specific water quality challenges. We look forward to the certainty that a five year waiver will provide. That certainty will allow farmers to fully engage in this new effort. We appreciate the Regional Board's leadership in providing a constructive forum to help move the Conditional Waiver program forward.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe C. McGahan".

Joseph C. McGahan
Watershed Coordinator
Westside San Joaquin River Watershed Coalition